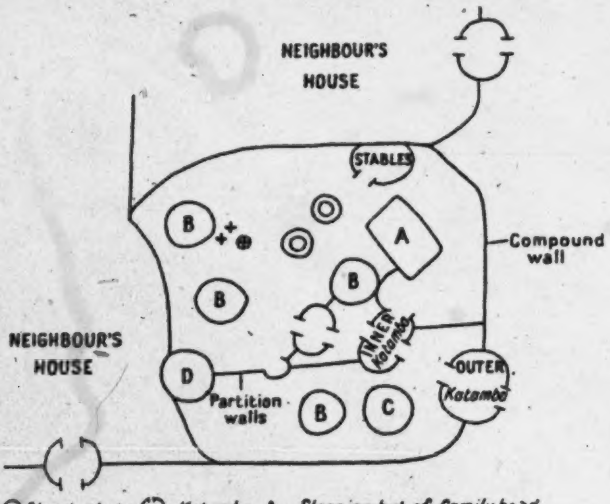
1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

The family has been regarded by many anthropologists as a typical *bilateral* unit—a group in which the transmission of rights and duties follows both the paternal and maternal line. We know now that such family structures are extremely rare, and that in most societies succession in paternal and maternal line supplement each other and are assigned different spheres of validity, certain rights and duties being transmitted in the paternal and others in the maternal line. For the Nupe family we

HOUSE OF A BIDA NOBLEMAN OF LOW RANK



○ Sleeping huts ⊂⊃ Kotamba. A... Sleeping hut of family head.
B... Sleeping huts of his wives. C... Sleeping hut of unmarried son.
D... Sleeping hut of unmarried daughter. ⊕ Well. ◎ Granaries.

can say that rights and duties which are transmitted through the father greatly outweigh in scope and importance those transmitted through the mother. Kinship membership itself and the access to the political and religious rights vested in it are determined by paternal descent. As women in Nupe neither own nor work land, this most important property is also inherited through the father. The rights to certain forms of financial support (e.g. for the payment of bride-price or support in old age) are equally derived from descent in the father's line. As Radcliffe-Brown has shown, the genealogical division into paternal and maternal succession depends also on the nature of the rights and duties that are transmitted from individual to individual, some being transmitted more satisfactorily through men (i.e. the father) and others through women (i.e. the mother).[1] Thus the personal property of the Nupe women is inherited by their daughters—as the personal property

[1] R. A. Radcliffe-Brown, 'Patrilineal and Matrilineal Succession', *Iowa Law Review*, XX, 1935.

1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

of the men is inherited by their sons. As in the Nupe economic system the women frequently enjoy a financially more advantageous position than the men we find also that, in the event of economic stress, a mother may take over some of the financial duties normally discharged by the father.

Generally speaking, matrilineal descent in Nupe, including here both descent from the mother as an individual and from her family, has essentially the significance of an ultimate safeguard in case the patrilineal arrangement proves insufficient. In Bida society, with its great inequality of wealth and status, rich or powerful maternal relations may be as valuable as paternal relations; political connexions, especially, through the mother's family will often be utilized profitably. We realize that these 'matrilineal' rights do not follow rigid rules of descent and succession; rather they represent a 'second line of defence' on which individuals can fall back in case the 'first line of defence'—claims derived through the father—has failed. If we speak of the Nupe extended family as 'patrilineal' it will be understood that we refer only to the preponderance and the more rigid formulation of rights and duties transmitted in the father's line. The kinship organization as such, in which the alternative methods of reckoning descent stand in that relation of 'first' and 'second line of defence', can be most aptly described by a term which was suggested by R. W. Firth as 'ambilateral'.

The rule of succession to the rights and duties derived in the paternal line, which, as we have seen, imply a succession running through one whole generation before descending to the next, is expressed very clearly in the Nupe kinship terminology, about which I will only say a few words. It is of the classificatory type and corresponds to the generation pattern: it subsumes all members of the kinship group who are of the same generation under a common term. Thus members of the same generation are all 'brothers' to each other, 'sons' to the generation above them, 'fathers' to the generation below, 'grandsons' to the second generation above, and so forth. Within the generation seniority is specially defined: elder brothers are distinguished from younger brothers, and also the father's elder brothers from the father's younger brothers. The former, who represent the potential family heads senior to one's own (real) father, are called 'father', the latter, who may be placed as junior relations under one's father, 'little father'.

Let me summarize the main kinship concepts with which we shall be concerned in the course of this book. We shall largely disregard the fluid and vaguely defined large kinship unit formed by all individuals who are regarded as being *dengi*. When speaking of kinship group, or large family group, we shall always mean the 'house-group'. To the smallest unit, finally, we shall refer either as the family section, or as the household or labour unit, according to the aspect under which we are considering it. I must add, however, that the Nupe also recognize a much wider unit derived—in a very vague sense—from kinship factors. Thus a whole village is sometimes spoken of as representing one *dengi*, and as having 'one ancestor'. This interpretation does not refer to concrete common descent from an original family, but rather reinterprets

1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

slaves a not inconsiderable measure of economic and social independence. An adult male slave would work for his master in the same way as sons and junior relations work for the head of the household. If he was put to farm-work, he would be given a small plot of his own to cultivate in his spare time. Or if he helped his master in a craft or in trade he would be able to count on a regular commission. Other slaves, who made good soldiers, were put into their master's private army, in which they would serve as foot-soldiers, armed and equipped at their master's expense. In the wars they would have their share of the booty. Slaves could thus acquire property, and the more fortunate owned horses, sheep, cattle, money—even slaves of their own. But when they died their property fell not to their wives and children but to their master.[1] Female slaves became personal servants of their mistresses or possibly concubines of their master. Unlike the male slaves they had no income of their own; what they might earn—by handicrafts or trade—would be their master's property.

Frequently the master would have to find wives for his male slaves; he would buy either a slave girl from the market, or possibly a girl belonging to another master—a slave girl to whom his own slave may have lost his heart. In the latter case a very reduced price would be paid, but the children would belong to the owner of the girl. But a slave might make money enough during his service to pay the bride-price for a free woman —mostly a widow, for whom a low bride-price is paid. In such marriages the free wife would in no way share the conditions of slavery, she would have her own house and work (a farm or trade) and might in due course be able to ransom her husband. Or a slave who had done well might be able to buy his own and his children's liberty. In this case he had to pay the full purchase price, except in the case of very old slaves who were no longer good for work—they would be released for half the amount. But if the offer to ransom a slave came from the slave's (free) relations, the owner would ask an exorbitant price, up to £20 or £30. Very rarely would a master let a slave free without the payment of the ransom, for example, as reward for faithful service. In all these cases the slave would bring two men as witnesses of the act of manumission.

A slave girl often became the wife of a free man—her own master or another man who bought her from her master, the purchase price replacing in this case the usual bride-price. This was not, however, real marriage; the slave girls became only concubines, not wives, and no religious or legal ceremony accompanied the marriage. Once they had borne their 'husband' a child, both mother and child became automatically free (though the status of a concubine remained unchanged). The families of the Fulani nobility count an innumerable offspring from this type of concubinage.

Children born of a free father and a slave mother were thus free

[1] To-day, more than thirty years after the abolition of slavery, this rule still holds in a modified form, with respect to ex-slaves who die without issue. In a court case heard before the Chief *Alhali* in Bida in 1936 the considerable property (cattle) of an ex-slave who had died without heirs was thus awarded to the son of his ex-master.

1: Nadel E-5 (1934-1936) 1942
FF52 Nupe FF52

462 441 snuff and smoking, its modern counterpart, cigarettes, and kola-nuts, although they are used mostly by men. To the second category belong the various products of Nupe fashion industry, rings, bracelets, chains, ladles, glass-ware, beads, and also the low carved stools, made by the carpenters, on which the Nupe women are wont to sit. The products of women's crafts are traded by women, irrespective of their use: thus the women sell cloth woven by women (used chiefly for women's dresses), indigo dye (which may be used by and for the men), native soap and pots, including the pitchers which the men use for ablutions. All goods produced by men and used by men are marketed by male traders: hoes, axes, arms, gowns, straw hats, books, leather-work, &c. Goods used by both sexes are traded by both men and women: for example, mats, and certain kinds of cloth of native or European make. Live stock is always marketed by men, only chickens are sometimes sold on the market by women.

462 441 868 Throughout this description the term 'woman' means married women as well as girls, mothers and wives as well as daughters. Small girls of 6 or 8 will already 'keep shop' in play, sitting behind a basket in which they have arranged a few pebbles, little rags of cloth or cigarette tins filled with sand, and silently display their 'goods', as they have seen their mothers and elder sisters do. Mothers always take their young girls to the market, letting them sit beside them and, if they are big enough, carry some of the loads on the way there and back. Girls of 12 or 13 will assist their mothers or deputize for them when they are called away; or they will take some of the cooked food which the women sell, and walk through the market and adjoining streets, crying out the wares, while the mother remains sitting behind her basket. This is, incidentally, an interesting division of labour between mother and daughter, and old and young trader in general. For it is against the dignity of grown-up [576] women to cry out their wares—only young girls may do that. A girl of 14 or 16 is already fully initiated into the secrets of commerce, and will soon start to trade on her own, with a capital of a few pennies or a small store of grain or ground-nuts given her by her mother. By degrees the capital and the scope of her business will grow. I remember a court case in Bida in which two girls, between 14 and 15 years of age, had been summoned because they had fought on the market. The fight was about a piece of cloth which one girl had taken from the other, agreeing to buy it for a certain amount; but later she declared it to be too dear, and paid only half the agreed price. The price of the cloth was 6*d*., and the people in the court were very amused about this commercial transaction in (as the *Alkali* put it) 'little girl's rags'. However, 'little girl's rags' become real cloth, and even more valuable goods, in the course of time, and when the girl marries she is a fully fledged trader, and fully versed in the art of marketing which will be one of her duties as a married woman. Her earnings remain her own property and cannot during her lifetime be [428 562] touched by her husband. Only when she dies will the husband be entitled to inherit her property.

593 562 This brings us to the question of the economic inequality of husband and wife. It is implied in this division of labour between the sexes which

2: Nadel E-5 (1934-1936) 1954
FF52 Nupe FF52

755 757 813 and interests of a profane kind. The 'sense of the extraordinary' if it is not vouchsafed by verbal expressions, is clearly the most difficult to identify. But it is at least likely to go together with uncommon procedures and with rigid rules, barring even minute departures from a given course of action, that is, with ritualization. In sum I would list these criteria of professedly mystical as against professedly rational intent: the degree of ritualization implied in the preparation or application of medicines; their secrecy or otherwise; their commercial or non-commercial, public or private character; the diverse ways in which the knowledge of *cigbe* is transmitted; and the different kinds of faith placed in it.

If previously we described 'ritual' behaviour as behaviour exhibiting a degree of rigidity not accounted for by its professed aim, we may now say, of the 'ritualized' procedure of *cigbe*, that its rigidity is not accounted for by the rational intent. For the Nupe, the latter lies in the application of material substances which as such possess a given efficacy. But often we find additional and incongruous rules such as these: certain medicines may only be prepared in certain months of the year; in certain treatments a particular procedure must be repeated three times; in the operation of setting a broken limb four splints (no more and no less) must be used. Here, then, the Nupe no longer rely on the empirical or pseudo-empirical knowledge of 'ingredients'; rather, they abandon their own 'scientific' principles, diluting them with rules of a different order—with ritual, and hence with 'mystic' observances.

Again, certain medicines, their preparation and disposal, are cloaked in rigorous secrecy, while others are not secret or no more secret than the skills or tricks of a particular trade. The latter kind is usually freely bought and sold, while the secret medicines can be given away only with special formalities or not at all, being accessible only to the relatives or perhaps friends of the 'owner'; so that some medicines are available to the public, like any commercial commodity, and others are unalterably 'private'. As we know, the knowledge of *cigbe* is mostly transmitted through [428] ordinary teaching, and is such as any clever, observant, or widely-travelled person can acquire; but occasionally it is hereditary, the ultimate provenance of the knowledge remaining unexplained. Finally, while no one would assume that ordinary remedies, administered without ceremonial, are infallible, precisely this faith is put in the other, 'miraculous', medicines, even if they involve no explicit appeals to the deity.

These features, however, occur with varying degrees of definiteness; and, though they all hang together logically, they do not always appear together in practice. But considered singly, they

2: Nadel E-5 (1934-1936) 1954
FF52 Nupe FF52

794 582 Islam. In all these cases the result has been an odd compromise. In Bida, the Moslem type of marriage is now more frequent than the traditional type; while among the Mohammedans outside the former is absent and the latter still fully in force. The observance of the levirate is somewhat puzzling. Islam permits the marriage with a brother's widow whether the brother is senior or junior to the deceased; in pagan Nupe, marriage with an elder brother's widow is forbidden, but marriage with a younger brother's widow greatly encouraged. Now, in the villages these rules still obtain; in Bida, however, the first kind of marriage is practised, though not very frequently, while the second never occurs. It seems, then, that in the type of marriage which Islam permits but the indigenous custom disallows, the hold of the latter is still sufficiently strong to prevent any widespread adoption of the novel practice; while the type of marriage both permitted by Islam and strongly pressed by local custom has been abandoned by the more 'orthodox' Moslems. This instance contradicts our previous argument as to the fortuitous fit and hence ready acceptance of certain Moslem customs. Rather, we must admit that such a given fit may, paradoxically, entail the rejection of the custom in question. Has it been rejected so as to prevent any blurring of the division between Moslems and non-Moslems, and thus to emphasize the new, different 'way of life'? It would seem to be so; but since this is the only instance of the kind I can only suggest the possibility. The strong hold of the indigenous practice is finally shown in a type of marriage as definitely forbidden by Islam as it is encouraged by Nupe custom, namely, the nominal marriage of a boy with his paternal grandfather's widow. This *yawó suna* ('marriage in name') is practised both in Mohammedan Bida and in the pagan districts. It is clearly bound up with the idea of reincarnation and with the corresponding practice of naming a grandson after his father's father: identical in name and 'soul', the grandson also assumes the nominal status of his *alter ego*. And as the traditional belief remained unassailed by Moslem doctrine, so the practice rooted in it withstood the impact of the new usages.

794 ● 428 The most serious divergence between indigenous custom and Moslem ideas occurs in inheritance. The Moslem law of inheritance implies, briefly, the division of a man's property among all his offspring (both male and female) as well as his wives, their respective shares varying in amount.[1] Nupe custom, on the other hand,

[1] The inheritance of women's property can be disregarded. Women in Nupe own only personal belongings and money, and can dispose of them more or less as they like—to sons, daughters, or their husband. Though the Nupe practice is more fluid than the Mohammedan usage, the two do not clash; nor has the former changed under Moslem influence.

2: Nadel E-5 (1934-1936) 1954
FF52 Nupe FF52

makes a younger brother or, in the absence of surviving brothers, the eldest brother's son the main heir, excluding wives and daughters. It must be borne in mind that the main property in rural Nupe is land, worked co-operatively by a 'house', that is, by the male members of the extended family—a man, his younger brothers, and his and their sons.[1] The traditional rules of inheritance thus prevent the fragmentation of land and keep intact the large labour team bound to it; for the land descends together with the headship of the family group, and thus with the command over the 'house' and labour team.[2] The acceptance of the Islamic rules of inheritance would change all this: the land would be progressively fragmented, the labour team broken up, and the headship of large families would disappear. But the Nupe have not turned to the new system in summary fashion; they still exclude wives and daughters from inheritance and largely kept intact the succession to the titular headship of the 'house'. But that most critical innovation, the division of landed property among sons, has steadily been gaining ground. It is important to note, however, that this is not simply a result of the pressure of Islam. I have shown elsewhere how the political and economic changes which began with the Fulani conquest and continue to the present day encouraged individual as against family enterprise and deprived the productive organization of the large family group of its former economic advantages.[3] My point now is that the 'individualistic' type of inheritance exemplified in Islam was also the type the new situation demanded, so that the changed outlook which happened to coincide with the impact of Islam provided additional motives for its acceptance, or for the acceptance of the way of life it represents.

In a wider sense the mere presence of the new religion in such circumstances answered the 'demand of the situation'. The political and economic events which were disrupting family co-operation also assailed the whole authority of family heads and their hold over the younger generation. In consequence the latter, sons or younger brothers of men still pagan, were turning away from the traditional cults (and are doing so even today), not for any particular benefits they were expecting of Islam, but because there was logic in the mere 'turning-away'; for this meant abandoning religious practices which, more or less openly, stood for the *status quo*, for parental authority and an outmoded family structure. The great appeal of the *navũ*, which concedes greater freedom to

[1] See *A Black Byzantium*, chap. III.

[2] This situation is somewhat modified among the craftsmen in the town (see op. cit., chap. XIV). The conclusions drawn further on, however, apply to the labour teams of craftsmen as much as of peasants.

[3] Op. cit., pp. 124, 374–6.

LEGAL PROCEDURE

627 The village head has limited and informal judicial powers. Minor cases are settled by him with two or three members of the council and the elders of the ward to which the litigant belongs. The procedure is informal and discussion rarely becomes heated. The authority of these courts is gradually being surrendered to the officially recognized courts. Cases requiring formal justice are referred to the
671 Native Court under the professional Moslem judge (*Alkali*) of the District.
692 In modern Nupe, Moslem law is paramount; the judges (pl. *Alkalai*) reside in Bida and the other Districts. The Bida town court is both a local court and appeal court for the Districts. The *Etsu* and his councillors form a higher court of appeal for cases concerned with land.

671 A marked disparity has been reported between Moslem law and the traditional
182 culture, particularly in rural communities, where the social and economic conditions differ most widely from the social life of which Moslem law is an expression. Peasants who were familiar with and understood the old customary law, often insist, when they come before the courts, on being accompanied by a mallam or person of standing who is familiar with the " new " law.

Among the Kyedye the *Alkali* holds his court in Muregi; the *Kuta* (chief) and delegates (district heads) have no judicial authority.

692 Jurisdiction over grave crimes was formerly the responsibility of the *Etsu*
696 Nupe. The death penalty was exacted for theft in the night, " big theft," murder, and treason. Traditionally the only villages in which executions could be performed were the *ledu* (pl. *leduzhi*) villages—Jebba, Gbere, Tada, Jiragi, Sulati, Fofo, Taiji, and Cewuru, which lie along the banks of the Niger 10 to 15 miles apart, between Jebba in the north and Eggan in the south. The king's hangmen resided here and a criminal was generally taken for execution to the *ledu* village nearest to his home.

778 Each of these villages possesses a " chain of Tsoede," generally kept at the
782 chief's house; it is a typical heavy iron slave or prison chain, up to 30 ft. long, with arm- and leg-irons. Traditional sacrifices of beer and blood are made to it, and it protects the village from sickness and brings fertility to women. Jebba and Tada, the oldest of the *leduzhi*, also possess bronze figures.[27]

INHERITANCE

428 The personal property of men is inherited by their sons, that of women by their daughters. The family farm goes to the relative next in seniority, younger brother or eldest son, in the classificatory sense.[28]

586 A widow may be inherited by her husband's sister's son or her husband's younger brother; custom forbids remarriage with an elder brother. Islam, however, allows remarriage with elder or younger brother.[29]

LAND TENURE

423 Land tenure in different parts of the country has been variously affected by two factors, namely the appropriation as estates held by the nobility of parts of the tribal lands after the Fulani conquest, and the density of population.

The royal house of Bida holds the title to certain lands by right of conquest. Land was also bestowed on others by the royal house for services rendered, and all individual titles to land are held to be ultimately derived from this one source. The clearing and first hoeing of the royal estates is done by large-scale communal labour. The subsequent work was formerly done by slaves, but to-day by paid labour.

Most of the appropriation of land occurred in the area east of the Kaduna River. Here population is more dense and there is a complex system of land ownership and transfer. Owing to the consequent shortage, disputes are frequent and particu-

[27] Nadel, 1942, pp. 56–8, 165–79; 1940a, p. 181; 1935b.
[28] Nadel, 1942, pp. 31–2, 245.
[29] Nadel, 1954a, pp. 249–50.

4: Temple G-4 (no date) 1922
FF52 Nupe FF52

sons, his whole brothers, and his daughters in a fixed and decreasing proportion. If the children are infants the money is held in trust for them by the brothers of the deceased. A woman's money is inherited in the same way, but either sex may leave their money as they choose, by declaring their wishes in the presence of a large number of responsible witnesses. If there is no family, a woman may inherit from her husband, and in some cases where there are no children, and she is known to have been a specially good wife, the brothers of the deceased forego their right in her favour. If she has no children her property goes to her husband. In no case does an illegitimate child inherit.

In old times the people did not dare live outside walled villages, but the neighbouring lands were apportioned by the village-head amongst the various heads of families, according to the amount he and his could beneficially occupy. The family-head in his turn granted the right of occupancy to individuals of his family, and, as no tree was of value before the virgin forest was cleared, each occupant had also the right to the sylvan produce of his land. As, however, virgin forest diminished and land became less plentiful, the heads reserved the use of the oil-palm to themselves, though at one time they held it in trust for the Emir.

Land cannot be sold, but it may be redistributed either on the migration of the holder, or on the extinction of the whole family. The village-head has a right to ask the family-head to give him back some land that he may grant it to a new comer, always supposing that this land is not at the time fully occupied. The right of occupancy passes on the death of the holder to the successive head of the family.

Amongst the pagan Nupe* the guardian spirit "Gunu" is worshipped. Sheep, dogs and fowls are sacrificed in his honour, their blood being poured out as a libation to him, whilst their flesh is consumed by the worshippers. Every eleven months the men go to his altar, beneath which sacred relics have been buried since time immemorial, where they kneel down in a wide circle, joining hands, and bowing their foreheads to the ground. The Elders address the spirit, and a feast and special dance follows. Other festivals are held at harvest time, and on the appointment of a new head-man, each village head-man being also village priest. There is a semi-religious institution called "Ndakogboiya." A meeting is held at the Chief's house, when a man may complain of his wife's conduct and beg that she may be taken to task, together with any other ill-doer. A man then mounts on stilts, and appears amongst the people after dark, proclaiming their evil deeds, and receiving propitiatory

* Sapke and Nokwa.